

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHEENA KIMBLER,

Plaintiff,

8:18-CV-0236
(GTS/DEP)

v.

NANCY BERRYHILL, Comm'r of Soc. Sec.,

Defendant.

APPEARANCES:

OF COUNSEL:

SHEENA KIMBLER

Plaintiff, *Pro Se*
Clinton County Jail
25 McCarthy Drive
Plattsburgh, New York 12901

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL-REGION II
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, New York 10278

PRASHANT TAMASKAR, ESQ.
Special Assistant U.S. Attorney

HON. GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by Chief United States Magistrate Judge David E. Peebles, filed on April 9, 2019, recommending that Plaintiff's Complaint in this action be dismissed pursuant to Fed. R. Civ. P. 41(b) for Plaintiff's failure to prosecute and comply with the Court's Orders and Local Rules of Practice. (Dkt. No. 27.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing all of the papers herein, including Magistrate Judge Peebles' thorough Report-Recommendation, the Court can find no

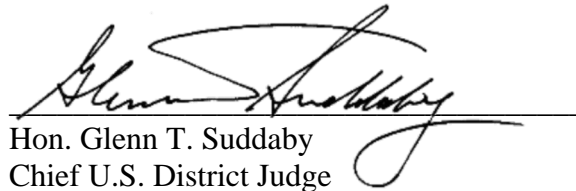
clear error in the Report-Recommendation.¹ Magistrate Judge Peebles employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 27.) As a result, the Report-Recommendation is accepted and adopted in its entirety, and Plaintiff's Complaint is dismissed pursuant to Fed. R. Civ. P. 41(b).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 27) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b).

Dated: May 8, 2019
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).